

REMARKS

This responds to the Office Action mailed on March 9, 2005.

Claims 21, 22, and 24 have been canceled. Claims 8, 12, and 15 have been amended. No claims have been added. As a result, claims 8-10, 12, and 15 are now pending in this application.

For the convenience of the Examiner, Applicant's remarks concerning the claims will be presented in the same order in which the Examiner presented them in the Office Action.

Amendments to Claims 8, 12, and 15

Each of independent claims 8, 12, and 15 has been amended. No new matter has been introduced.

Claim 8 now recites that the processor is to convert captured audio input provided by the microphone into a digital text file and a compressed audio file; that the processor is to store the digital image file and the digital text file as a single composite digital data file in the memory; and that the processor is further to store the compressed audio file as a separate file in the memory. Support for this amendment may be found in the application as originally filed, for example, in original claim 11 and in FIG. 3, blocks 206, 208, and 210.

Claim 12 now recites converting the audio input into text data and compressed audio; storing the text data and the digital image data as a composite digital file in a memory of the camera; and additionally storing the compressed audio as a separate digital file in the memory. Support for this amendment may be found as indicated above.

Claim 15 now recites converting the audio input into text data and a compressed audio file; combining the digital image data and the text data into a single digital data file, and storing the single digital data file in a memory of the camera; and storing the compressed audio file as a separate file in the memory. Support for this amendment may be found as indicated above.

**Rejection of Claim 12 under 35 U.S.C. §103(a) as Unpatentable
over Kondo in view of Shipp**

Claim 12 was rejected under 35 U.S.C. §103(a) as being unpatentable over Kondo et al. (U.S. 5,786,851) and in further view of Shipp (U.S. 6,031,526).

To establish a *prima facie* case of obviousness under 35 U.S.C. §103, the prior art reference (or references when combined) must teach or suggest every limitation of the claim. *In re Royka*, 490 F.2d 981, 180 USPQ 580 (CCPA, 1974). MPEP §2143.

The Examiner's asserted combination of Kondo in view of Shipp fails to teach or suggest all of the claim limitations present in independent claim 12, so a *prima facie* case of obviousness has not been established.

For example, this combination of references, whether taken singly or in combination, fails to disclose a method of operating a camera that comprises converting audio input into text data and compressed audio [emphasis added]; storing the text data and digital image data as a composite digital file in a memory of the camera; and additionally storing the compressed audio as a separate digital file in the memory [emphasis added].

Kondo discloses a method of operating a digital electronic camera that provides simultaneous recording of image and compressed audio signals (col. 15, lines 48 *et seq.*). However, Kondo fails to disclose storing text data and digital image data as a composite digital file in a memory of the camera, as the Examiner admits.

Shipp discloses a complex system used by physicians for generating electronic and printed medical records. The system provides automatic integration of captured video still images and voice-dictated information concerning the image (see Abstract). As stated in col. 4, lines 6-8, "The combination of the readable text and a viewable image then constitutes a comprehensive medical record which can be stored in memory 22 . . .". Thus Shipp's system appears to store a composite digital image and digital text file [emphasis added]. However, Shipp's system fails to disclose additionally storing compressed audio as a separate digital file in the memory.

For the above reasons, claim 12 should be found to be allowable over any combination of Kondo and Shipp, and Applicant respectfully requests that the rejection of claim 12 under 35 U.S.C. §103(a) as being unpatentable over Kondo in view of Shipp should be withdrawn.

**Rejection of Claim 21 under 35 U.S.C. §103(a) as Unpatentable
over Kondo in view of Shipp and Further in view of Fukuoka**

Claim 21 was also rejected under 35 U.S.C. §103(a) as being unpatentable over Kondo et al. and in further view of Shipp, and further in view of Fukuoka (U.S. 6,104,430).

Claim 21 has been canceled.

**Rejection of Claims 8-10, 15, 22, and 24 under 35 U.S.C. §103(a) as Unpatentable
over Kondo in view of Shipp and Further in view of Fukuoka**

Claims 8-10, 15, 22, and 24 were rejected under 35 U.S.C. §103(a) as being unpatentable over Kondo et al., further in view of Shipp, and in further view of Fukuoka.

Claims 22 and 24 have been canceled.

To establish a *prima facie* case of obviousness under 35 U.S.C. §103, the prior art reference (or references when combined) must teach or suggest every limitation of the claim. *In re Royka*, 490 F.2d 981, 180 USPQ 580 (CCPA, 1974). MPEP §2143.

The Examiner's asserted combination of Kondo in view of Shipp fails to teach or suggest all of the claim limitations present in independent claim 8, so a *prima facie* case of obviousness has not been established.

For example, this combination of references, whether taken singly or in combination, fails to disclose a camera having a processor to convert captured audio input provided by a microphone into a digital text file and a compressed audio file; wherein the processor is further to convert the captured image into a digital image file; wherein the processor is to store the digital image file and the digital text file as a single composite digital data file in the memory; and wherein the processor is further to store the compressed audio file as a separate file in the memory.

Kondo and Shipp were discussed earlier.

Fukuoka discloses a digital camera that can accept various types of input/output cards or memory cards (see Abstract). FIG. 9 of Fukuoka shows a block diagram of the organization of files within a memory card 16, in which separate image files 60a-60c and compressed audio files 61a and 61b are stored.

Shipp's system appears to store a composite digital image and digital text file [emphasis added]. However, Shipp's system fails to disclose additionally storing compressed audio as a separate digital file in the memory. Although Kondo and Fukuoka each appear to disclose separately storing compressed audio, they fail to disclose storing a composite digital image and digital text file. There is no teaching within Shipp, Kondo, or Fukuoka for combining these references in a manner to store a digital image file and a digital text file as a single composite digital data file in the memory, and further to store a compressed audio file as a separate file in the memory. Such a concept only originates within Applicant's own application, and it would constitute hindsight for the Examiner to apply it against Applicant's claims.

One motivation for Applicant to store both a composite digital image and digital text file, as well as a separate compressed audio file, is that within the context of a relatively inexpensive, portable digital camera, storing the compressed audio file separately from the composite image/text file provides a measure of redundancy, in the event that the system's speech-to-text conversion function encounters errors. Such motivation is lacking in the complex, expensive, medical-based system of Shipp, because Shipp's system very likely utilizes a powerful processing platform and an expensive, complex speech-processing algorithm, thus reducing the need for redundancy.

For the above reasons, claim 8 should be found to be allowable over any combination of Kondo, Shipp, and Fukuoka. Applicant respectfully requests that the rejection of claim 8 under 35 U.S.C. § 103(a) as being unpatentable over Kondo in view of Shipp and further in view of Fukuoka should be withdrawn.

Claims 9 and 10, which depend from claim 8, directly or indirectly, and incorporate all of the limitations therein, are also asserted to be allowable for the reasons presented above.

Regarding independent claim 15, as amended, the Examiner's asserted combination of Kondo in view of Shipp and further in view of Fukuoka fails to teach or suggest all of the claim

limitations present in independent claim 15, so a *prima facie* case of obviousness has not been established.

For example, this combination of references, whether taken singly or in combination, fails to disclose a method of operating a camera that comprises converting audio input into text data and a compressed audio file; combining digital image data and the text data into a single digital data file, and storing the single digital data file in a memory of the camera; and storing the compressed audio file as a separate file in the memory.

For the reasons presented earlier regarding the rejection of claim 8, claim 15 should also be found to be allowable over any combination of Kondo, Shipp, and Fukuoka. Applicant respectfully requests that the rejection of claim 15 under 35 U.S.C. § 103(a) as being unpatentable over Kondo in view of Shipp and further in view of Fukuoka should be withdrawn.

Additional Elements and Limitations

Applicant considers additional elements and limitations of claims 8-10, 12, and 15 to further distinguish over the cited references, and Applicant reserves the right to present arguments to this effect at a later date.

Conclusion

Applicant respectfully submits that claims 8-10, 12, and 15 are in condition for allowance, and notification to that effect is earnestly requested. The Examiner is invited to telephone Applicant's attorney, Walter W. Nielsen (located in Phoenix, Arizona) at (602) 298-8920, or the below-signed attorney (located in Minneapolis, Minnesota) to facilitate prosecution of this

If necessary, please charge any additional fees or credit overpayment to Deposit Account No. 19-0743.

Respectfully submitted,

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Date

September 9, 2005

By

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CERTIFICATE UNDER 37 CFR 1.8: The undersigned hereby certifies that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail, in an envelope addressed to: MS Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on this 9th day of September, 2005.

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Signature